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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,586	01/29/2004	Timo K. Miettinen	042933/272475	7420
826	7590	12/14/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,586	<b>Applicant(s)</b> MIETTINEN, TIMO K.	
	<b>Examiner</b> Dai A. Phuong	<b>Art Unit</b> 2688	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 9, 12, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsutsumi (Pub. No: 20040220995).

Regarding claim 1, Tsutsumi discloses a terminal for interacting with a service provider via a signaling tag comprising: a controller 10 capable of actively operating an application, wherein the controller 10 is capable of receiving information regarding *a signaling tag* at least partially over an air interface (fig. 3, [0016]. The terminal 20 transmits a request message (a signal tag) to the terminal 10 in order to request a service from the service equipment 40. The request message (*the signal tag*) includes ID and password of the terminal 20), wherein the information includes information relating to a service type representing a service offered by a service provider 40 (fig. 3, [0016]. The terminal 20 requests the service from the service equipment 40, for example, *e-mail, news delivery* and the like), wherein the controller is capable of accessing the service, and thereafter performing a predefined action based upon the information relating to the service type, the application actively operating on the terminal and a state of the application (fig. 3, [0013] and [0016]. Inherently, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality. Additionally, the applicant is advised to clearly define the term “signal tag”).

Regarding claim 4, Tsutsumi discloses all the limitations in claim 1. Furthermore, Tsutsumi discloses the terminal information relating to the service type includes a service locator representing a location of the service represented by the service type, and wherein the controller is capable of accessing the service based upon the service locator ([0016]. Inherently, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 4.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5-6, 8, 10-11, 13-14, 16, 18-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi (Pub. No: 20040220995) in view of Miyaji (Pub. No: 20050125561).

Regarding claim 2, Tsutsumi discloses all the limitations in claim 1. However, Tsutsumi does not disclose a terminal wherein the controller is capable of performing a predefined action

by receiving data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data.

In the same field of endeavor, Miyaji discloses a terminal wherein the controller is capable of performing a predefined action by receiving data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data ([0041] to [0043]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Tsutsumi by specifically including a terminal wherein the controller is capable of performing a predefined action by receiving data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data, as taught by Miyaji, the motivation being in order to transmit the application to the plurality of communication devices via the local-area communications network from the single communication device having received transmission of the application.

Regarding claim 3, Tsutsumi discloses all the limitations in claim 1. However, Tsutsumi does not disclose a terminal wherein the controller is capable of performing a predefined action by sending data to the service when the terminal is actively operating an application in a state of presenting data.

In the same field of endeavor, Miyaji discloses a terminal, wherein the controller is capable of performing a predefined action by sending data to the service when the terminal is

actively operating an application in a state of presenting data ([0041] to [0043]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Tsutsumi by specifically including terminal wherein the controller is capable of performing a predefined action by sending data to the service when the terminal is actively operating an application in a state of presenting data, as taught by Miyaji, the motivation being in order to transmit the application to the plurality of communication devices via the local-area communications network from the single communication device having received transmission of the application.

Regarding claim 5, Tsutsumi discloses all the limitations in claim 1. However, Tsutsumi does not disclose a terminal wherein the controller is further capable of selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag

In the same field of endeavor, Miyaji discloses a terminal according to claim 1, wherein the controller is further capable of selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag ([0043]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Tsutsumi by specifically including terminal wherein the controller is further capable of selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag, as taught by Miyaji, the motivation being in order to transmit the application to the plurality of communication devices via the local-area communications network from the single communication device having received transmission of the application.

Regarding claim 6, the combination of Tsutsumi and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is capable of sending an interrogation signal to the RFID transponder tag, and wherein the controller is capable of receiving information from the RFID transponder tag in response to the interrogation signal ([0047]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 8, the combination of Tsutsumi and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is capable of selecting a signaling tag by passing the terminal within a predefined distance of a signaling tag ([0047]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 6.

5. Claims 7, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi (Pub. No: 20040220995) in view of Miyaji (Pub. No: 20050125561) and further in view of Barile et al. (Pub. No: 20050134449).

Regarding claim 7, the combination of Tsutsumi and Miyaji disclose all the limitations in claim 5. However, the combination of Tsutsumi and Miyaji do not disclose the terminal wherein the controller is capable of sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also capable of receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response.

In the same field of endeavor, Barile et al. disclose the terminal wherein the controller is capable of sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also



capable of receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response ([0012] to [0016]). Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of Tsutsumi and Miyaji by specifically including the terminal wherein the controller is capable of sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also capable of receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response, as taught by Barile et al., the motivation being in order to provide the collected information for verification.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 7.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suda et al. (Pub. No: 20040171373) communication control method and program

Ramamurthy et al. (Pub. No: 20050104719) networking applications for data collection

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Yonekura et al. (Pub. No: 20040110474) connection unit radio communication system

Gloekler et al. (Pub. No: 20050258955) aggregating and communicating tracking

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2688

Date: 12-10-2005

  
**GEORGE ENG**  
**PRIMARY EXAMINER**